

REMARKS

The rejections of Claims 1-9 and 11-13 as being unpatentable over Mueller in view of Carawan and of Claims 14-20 as being unpatentable over Mueller in view of Carawan and Kromrey, both under 35 U.S.C. § 103(a), are traversed. Reconsideration of each rejection is respectfully requested.

The Office Action is correct in noting that the Mueller and Carawan patents are directed to filters and filter media. The factual and legal error occur in concluding that these known products were intended or useable as breather sheets i.e., "can function as a breather sheet." In this connection, the Office Action blurs the basic distinction between, on one hand, a filter medium which by design is intended to obstruct and separate and, on the other hand, a breather sheet whose very purpose is to provide an unobstructed path and, in the case of the present invention, an unobstructed path regardless of the interposition of a mesh layer or its orientation relative to outer layers which does not obstruct the passageways so that the system can breath and a flow path from the vacuum source and bag be mentioned.

And the foregoing is a basic reason why the legal conclusion of obviousness is fatally flawed. That conclusion depends upon the hindsight modifications of filter devices for obtaining a breather sheet, something that neither the Mueller

filer nor the Carawan filter element were ever intended to do. Indeed, the cited prior art is constructed to do precisely the opposite of what a breather sheet does in that filters obstruct the free flow of a fluid or gas whereas the breather sheet is designed to maximize the flow of undesirable air and/or volatiles for curing.

Applicant believes it is also important to keep in mind that the nature of the rejections herein are obviousness-based. There is not contention that a single reference teaches or suggests the product covered by Claims 1-6, the method of its assembly as covered by Claims 7-13 and/or the method of its use as covered by Claims 14-20. Therefore, logical and consistent reasoning has to be employed to justify why and how prior art is selected and combined. It is certainly not sufficient to conclude that a product from one technology area (filters) can be used in an entirely different technology area (breather sheets) without a reasoned and principled explanation. That has not been done here.

In truth, a person of ordinary skill in the making and use of breather sheet or on composite production would never have looked to the non-analogous – indeed anomalous—filter art. Such a person would have treated filters as a total non-starter given their purpose of obstructing flow. With regard to the Office Action’s assertion that the Mueller and Carawan filter elements can function as a breather sheet, that would appear to be contradicted by Mueller itself whose announced intention is to achieve better filtering action (col. 1, lines 43-44). One

looking to Mueller and Carawan would be trying to figure out how to better obstruct rather than how to unobstruct.

The same points apply to the even more tenuous rejection of the method of use Claims 14-20. Particularly noteworthy is the statement at the bottom of page 4 that the three cited references "all address the common problem of composites that allow vapor and fluid flow." In fact, only the Kromrey patent addressed that goal but the Office Action implicitly acknowledges that the Kromrey method, by itself, does not teach the present invention. To bridge that deficiency, the Office relies again on the non-analogous Mueller and Carawan teachings which clearly have nothing at all to do with composites. The Office is invited to point out where the common composite problem is addressed in either of those documents if the rejection is maintained.

Early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

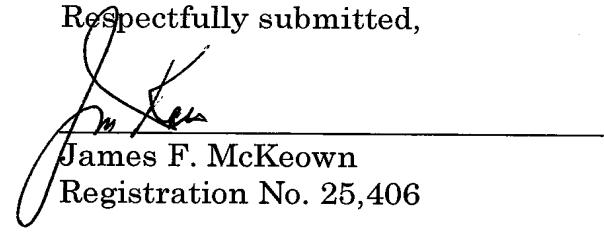
If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038665.55712US).

Respectfully submitted,

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